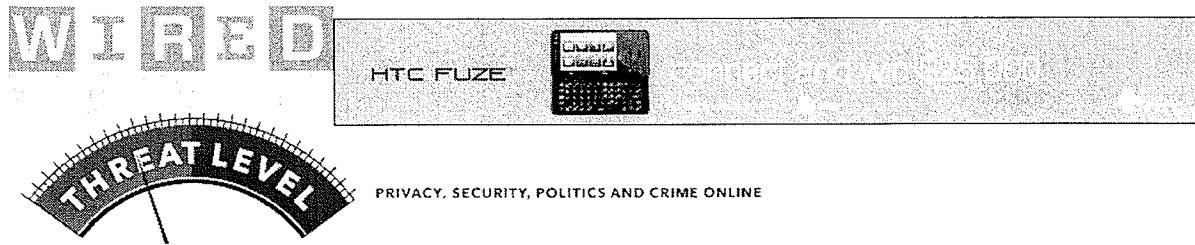


EXHIBIT E

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Coupon Hacker Defeats DMCA Suit

By Ethan D. Kravets November 10, 2008 | 11:45 AM

A California online coupon generating company is dropping its Digital Millennium Copyright Act lawsuit against a man sued for posting commands allowing users to print an unlimited number of valid coupons.

John Stottlemire was sued last year after posting the commands to his tenbucks.net and other websites. He was accused of posting code and instructions allowing shoppers to circumvent copy protection on downloadable, printable coupons from Colgate, General Foods and others for everything from cereal to soap.

Mountain View, Calif.-based Coupons Inc. argued Stottlemire was no different from cracks like "DVD Jon" Johansen's program, DeCSS, which allowed the duplication of encrypted DVDs.

"Without being represented by an attorney, I defended myself in federal court against a company who solicited the services of two separate law firms," Stottlemire said. "And in my opinion, I kicked their ass. By refusing to succumb to their bullying tactics, I continued to assert my innocence and fought the claims Coupons Inc. filed against me."

The 43-year-old Fremont, Calif., man insisted he did not circumvent any technology and instead found a weakness in Coupons Inc.'s software. Removing the key to the software's program limiting coupon production allowed users to acquire an unlimited number of coupons with unique, functioning serial codes.

Coupons Inc. declined comment. Terms of the dismissal were not made public. They do not require Stottlemire to remove the workaround, which is still published here.

Despite the settlement, the legal question at issue remains unsettled – whether Stottlemire's actions were unlawful under the DMCA. The 10-year-old law prohibits circumventing technology to work around measures to prevent the duplication of what Coupons Inc. claimed were copyrighted materials.

The question may be a moot point, at least for now. Coupons Inc. has countered Stottlemire's workaround, which no longer works.

Photo: Jason JT's Photostream

See Also:

- The Digital Millennium Copyright Act of 1998
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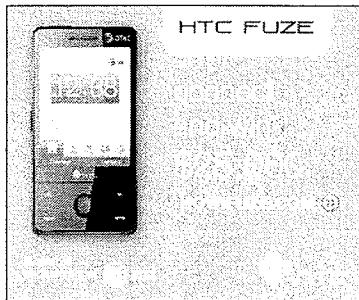
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Coupons, Inc. drops DMCA lawsuit against coupon hacker

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A copyright lawsuit against a man who posted instructions on how to print unlimited coupons online has finally been dropped after he argued that he didn't circumvent anyone's copyright protection in order to produce his "hack."

By Jacqui Cheng | Last updated November 21, 2008 11:45

A copyright lawsuit against a man who posted instructions on how to print unlimited copies of coupons has been dropped. The defendant, John Stottlemire, posted to his website this week that he had reached a settlement with Coupons, Inc. after a year-long legal battle over the digital coupons, and that Coupons would not be able to file another similar action against him.

In late 2007, Stottlemire posted instructions to lenbucks.net detailing how to perform a number of registry key modifications under Windows that would allow users to print unlimited online coupons offered by couponsinc.com. Without the "hack," users are technologically limited to printing only one coupon apiece.

Jacqui Cheng

Coupons, Inc. was unimpressed by Stottlemire's postings and filed a lawsuit against him, alleging that he violated the Digital Millennium Copyright Act by instructing users on how to circumvent the company's copy-protection scheme. Coupons even went so far as to compare Stottlemire to the infamous DVD Jon and his never-ending DRM-cracking efforts.

Some Comcast subscribers get XXX interlude during Super Bowl (Updated)

Stottlemire argued, however, that there was no hacking to be had, and that he only found a weakness in Coupons' own software. "I honestly think there are big problems when you are not allowed to delete files off of your computer," he said at the time. Because of this, Stottlemire argued (without a lawyer, no less) that he did not violate the DMCA

and moved to have the claims dismissed. The Electronic Frontier Foundation also filed an *amicus brief* in support of Stottlemire's motion to dismiss, arguing that Coupons' technology didn't protect access to the files in question, and therefore Stottlemire did not circumvent anything.

A number of back-and-forths and a year later, Coupons apparently felt like it was getting nowhere with the case and came to a settlement with Stottlemire. As usual, the terms are largely confidential, although Stottlemire wrote on his site that the claims will be dismissed with prejudice, meaning that the company cannot bring further action against him.

Stottlemire is pretty proud of his success, too. "Without being represented by an attorney, I defended myself in federal court against a company who solicited the services of two separate law firms," he told *Wired*. "And in my opinion, I kicked their ass. By refusing to succumb to their bullying tactics, I continued to assert my innocence and fought the claims Coupons Inc. filed against me."

Further reading:

- If you have PACER access, search for case number 5:07-cv-03457-HRL



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Posted on Friday, November 28, 2008 at 3:56 pm

Coupons, Inc. v. Stottlemire

Alleged “Coupon Hacker” and Coupons, Inc. Settle DMCA Suit [UPDATED]

By Chris Kulawik — Edited by Jon Choate

Coupons, Inc. v. Stottlemire
 N.D. Cal., No. CV 07-03457 HRL
 Court Documents (hosted by Justia)

Last week, Coupons, Inc. (“Coupons”), settled its DMCA suit against John Stottlemire, who had defended himself *pro se*. The parties have not fully disclosed the details of the settlement, but Stottlemire indicates that the case was dismissed with prejudice. The agreement follows a year’s worth of litigation in the United States District Court for the Northern District of California.

Note:

Since the writing of this post, Coupons, claiming that Stottlemire breached material terms of the parties’ settlement agreement, has resumed litigation. Stottlemire, in a motion filed with the court, claims that Coupons is mistaken in its belief that he has breached the confidentiality term of the settlement.

In July, 2007, Coupons filed suit against Stottlemire alleging in its complaint that his online posting constituted a violation of the anti-circumvention provisions of the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. §1201, and related California state laws. The posting had detailed a “hack” that allowed Coupons patrons to avoid imposed maximums and print multiple coupons with unique and functioning serial codes. Coupons claimed that the dissemination of the hack effectively “offered to the public” a technology “primarily designed for the purpose of circumventing technological measures that effectively control access to Plaintiff’s works.”

Stottlemire denied the allegation and sought to dismiss on the grounds that his posting did not qualify as the “hacking” or circumvention of certain protection made illegal under the DMCA. He argued instead that this technique merely exploited Coupons’s faulty and limited software. Ars Technica reports Stottlemire as stating, “There are big problems when you are not allowed to delete files off of your computer.”

The Electronic Frontier Foundation (“EFF”), which joined the Berkeley School of Law’s Samuelson Law, Technology and Policy Clinic in filing an amicus brief in support of Stottlemire, discussed its position on the legal issues in the case on its blog after the Court dismissed

several of Coupons's claims in July:

Coupons claimed that Stottlemire's tool circumvents technological measures that limit *use* of its coupons (a "rights-control" claim), but also tried to allege that the tool circumvents measures that limit *access* to those coupons (an "access-control" claim). The problem is that the tool doesn't have anything to do with access $\frac{1}{4}$ anyone can *access* the coupons whether they use the original software or the modified software.

This isn't just an academic issue. While the DMCA prohibits the distribution of tools that circumvent rights *or* access controls, it prohibits actual circumvention (e.g., through use of such tools) only in the case of access controls. This is because controlling *use* of copyrighted material is already addressed by copyright law, and addressing it again in the DMCA would upset the careful balance between the rights of copyright owners and those of the public.

Speaking to Wired, Stottlemire celebrated the settlement:

Without being represented by an attorney, I defended myself in federal court against a company who solicited the services of two separate law firms. And in my opinion, I kicked their ass. By refusing to succumb to their bullying tactics, I continued to assert my innocence and fought the claims Coupons Inc. filed against me.

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01-04-2009, 07:11 PM

#256

ky151

L7: Teacher

Date Joined: Nov 2007
 Location: Kentucky
 Posts: 2,185
 Reputation: 222

Quote from shanecrow99:

For those of you looking to clear your PC somehow to print more than 2 coupons may as well hang it up. Reinstalling the OS will not help you, changing your MAC or IP address will not help you. Editing your registry will not help you.

I have formatted and installed Vista numerous times and it does allow me to print new coupons. . .well, it did up to about a month or so ago. So unless they have changed something very recently, this does work with the Vista OS. I posted this in another thread and someone commented that Vista has additional security features that do not allow the bricks technology to get certain information from your hardware. Whatever the case, I have an old laptop sitting around that I use just for this purpose.

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01-04-2009, 07:11 PM

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01-04-2009, 07:16 PM

#257

maxie88

L2: Beginner

Quote from qwert7:

It means you need to use a different Internet service + Computer

Date Joined: Jan 2009
 Posts: 74
 Reputation: 23

Nope. Same internet service just need a different computer. It can even be the same printer on a network. IE: if you had 4 networked computers and one printer you could print 8 coupons. I've already done that in my office so I know it works.

[Reply](#)

01-04-2009, 07:22 PM

#258

taisharmordin

L4: Apprentice

Date Joined: Sep 2007
 Posts: 317
 Reputation: 335 

Quote from ky151 :

I have formatted and installed Vista numerous times and it does allow me to print new coupons. . .well, it did up to about a month or so ago. So unless they have changed something very recently, this does work with the Vista OS. I posted this in another thread and someone commented that Vista has additional security features that do not allow the bricks technology to get certain information from your hardware. Whatever the case, I have an old laptop sitting around that I use just for this purpose.

Sorry, formatting does not help. The software uses the serial number of your harddrive to determine if you've printed before or not. If not the serial, some other identifying characteristic.

I rebuilt my entire system, every component, except the HD, which was formatted and had a new OS installed on it... and I still couldn't print another 2 coupons.

[Reply](#)

01-04-2009, 09:07 PM

#259

ionizer

Pessimist



Date Joined: Jun 2005
 Location: NJ
 Posts: 3,236
 Reputation: 643 

Quote from kovy :

Never had B&J's before. Tried the chocolate chip cookie dough. Totally overrated ice cream. Nothing but sugar and fat. Nothing that separates it from any other ice cream. How people can justify shoveling 10 grams of saturated fat per 1/2 cup for this frozen sugar milk at this exaggerated price is beyond me.

i am a pessimist (as many here know) and i don't think B&J is overrated at all. It is HEAVY THICK ice cream, and yes tons and tons of fat, but it is delicious.

if you're not into it, you're probably just used to more thinner/milkier type of ice creams (breyers, etc)

[Reply](#)

01-04-2009, 09:09 PM

#260

ICQs

my mac let me print 2, but my laptop only 1. anyways..free is always good...so Dublin Mudslide here is come..sluuurpp!!

L3: Novice

Date Joined: Aug 2008
 Posts: 118
 Reputation: 49 

[Reply](#)

01-04-2009, 09:19 PM

#261

ionizer

Pessimist



Date Joined: Jun 2005
 Location: NJ
 Posts: 3,236
 Reputation: 643 

This was the last info I found from that guy John Stottlemire who was being sued by coupons.com until they dropped the case (mostly b/c the case was total BS and contradicted their own statements):

<http://www.iterasi.net/openviewer...h-vfj5gtvg>

It is a bit outdated, so i don't know how relevant it is anymore. Again this is not to be used for any mal intent and merely for those who don't want to keep the coupons.com software on their computer and want to properly remove it.

Additional information about what coupons.com does:
<http://www.benedelman.org/news/031808-1.html>

Last edited by ionizer : 01-04-2009 at 09:19 PM. Reason: Automerged Doublepost

[Reply](#)

01-04-2009, 09:22 PM

#262

ionizer*Pessimist*

Date Joined:

Jun 2005

Location:

NJ

Posts:

3,236

Reputation:

643

Most important aspects (this contradicts my earlier statements as it appears their software has changed from previous, my apologies to those I attempted to correct).

In testing using API and registry-monitoring tools, I have determined that Coupons.com retrieves a wide variety of sensitive Windows registry keys and computer configuration settings including Windows Product ID, Windows CD key, motherboard serial number, and hard drive serial number. These numbers serve to identify a specific individual computer, and these numbers persist over the lifetime of a computer. Coupons.com. These practices stand in sharp contrast to Coupons.com's representations to users:

The Coupons.com "promo" promises that "The Coupon Printer does not gather or ask for any personal information about ... your computer." Yet my testing indicates that Coupons.com gathers detailed computer-specific information about each computer on which it is installed.

Coupons.com's privacy policy similarly promises that "The Coupons, Inc. software ... only collect[s] information about what coupons have been printed and redeemed from your computer" -- again, directly at odds with my observation that Coupons.com collects far more information.

Coupons.com's license agreement discloses this information collection only by admitting that the "software uses anonymous, assigned numbers and/or anonymous information about your computer or device." But the numbers at issue are not anonymous: These numbers identify a specific individual user based on the user's unique and unvarying Windows CD key, motherboard serial number, and hard drive serial number. TRUSTe rule 1.qq defines such information to be pseudonymous ("information that may correspond to a person [such as] machine ID"), while rule 1.i defines anonymous information to exclude all pseudonymous information. Coupons.com thus errs in characterizing these numbers as "anonymous." Moreover, Coupons.com errs in disclosing this data collection practice only in its license agreement; because this practice speaks to user privacy, it belongs in Coupons.com's privacy policy.

i dont want to distract too much from the deal, as getting one or two pints of ben and jerrys for free is great.

[Reply](#)

01-04-2009, 09:26 PM

#263

kovy*L4: Apprentice*

Date Joined:

Apr 2008

Posts:

342

Reputation:

143

Quote from ionizer:

i am a pessimist (as many here know) and i don't think B&J is overrated at all. It is HEAVY THICK ice cream, and yes tons and tons of fat, but it is delicious.

if you're not into it, you're probably just used to more thinner/milkier type of ice creams (breyers, etc)

I'm not saying it's not thick. I'm just saying it's no different than some other high fat cookie dough ice cream. Nothing special in it. Very thick and loaded with sugar. But I've had some unbelievable gourmet ice creams. The flavor was to die for. This particular one was just a very thick vanilla that tastes like any other over sweetened vanilla with very sweet chunks of crystallized cookie dough. I will still pick up another flavor. Maybe new york fudge or chunky monkey. Maybe that's something more original. This was just same old same old. Only with more fat and more sugar. If I'm going to eat something so expensive and so unhealthy that it borders on poison, I want it to be ecstasy. Sorry, I didn't mean to thread crap. Just giving feedback.

Actually, I like plain chocolate. I'm a chocolate lover. And recommendations for a B&J flavor?

[Reply](#)

01-04-2009, 10:09 PM

#264

qwert7

L3: Novice

Date Joined: Oct 2008
 Posts: 153
 Reputation: 160

Quote from kovy :

I'm not saying it's not thick. I'm just saying it's no different than some other high fat cookie dough ice cream. Nothing special in it. Very thick and loaded with sugar. But I've had some unbelievable gourmet ice creams. The flavor was to die for. This particular one was just a very thick vanilla that tastes like any other over sweetened vanilla with very sweet chunks of crystallized cookie dough. I will still pick up another flavor. Maybe new york fudge or chunky monkey. Maybe that's something more original. This was just same old same old. Only with more fat and more sugar. If I'm going to eat something so expensive and so unhealthy that it borders on poison, I want it to be ecstasy. Sorry, I didn't mean to thread crap. Just giving feedback.

Actually, I like plain chocolate. I'm a chocolate lover. And recommendations for a B&J flavor?

I myself Picked up NY Fudge, It is very good 

December Wins:

[12/7] Splenda - Pedometer
 [12/22] French Toast - \$10 K-mart giftcard

[Reply](#)

01-04-2009, 10:19 PM

[#265](#)

AnhTam

L3: Novice

Date Joined: Nov 2008
 Posts: 123
 Reputation: 22

Quote from taisharmordin :

Sorry, formatting does not help. The software uses the serial number of your harddrive to determine if you've printed before or not. If not the serial, some other identifying characteristic.

I rebuilt my entire system, every component, except the HD, which was formatted and had a new OS installed on it... and I still couldn't print another 2 coupons.

people would do that for free ice-cream?

[Reply](#)

01-04-2009, 10:26 PM

[#266](#)

el31415

What Would You Do For A Klondike® Bar?

L3: Novice

Date Joined: Dec 2007
 Posts: 248
 Reputation: 50

[Reply](#)

01-04-2009, 10:38 PM

[#267](#)

msgal67belle

Addicted



Quote from kovy :

I'm not saying it's not thick. I'm just saying it's no different than some other high fat cookie dough ice cream. Nothing special in it. Very thick and loaded with sugar. But I've had some unbelievable gourmet ice creams. The flavor was to die for. This particular one was just a very thick vanilla that tastes like any other over sweetened vanilla with very sweet chunks of

Date Joined: Jul 2008
 Location: Mississippi
 Posts: 687
 Reputation: 133

crystallized cookie dough. I will still pick up another flavor. Maybe new york fudge or chunky monkey. Maybe that's something more original. This was just same old same old. Only with more fat and more sugar. If I'm going to eat something so expensive and so unhealthy that it borders on poison, I want it to be ecstasy. Sorry, I didn't mean to thread crap. Just giving feedback.

Actually, I like plain chocolate. I'm a chocolate lover. And recommendations for a B&J flavor?

I've mentioned it at least 3 times already..... Karamel Sutra!

The great thing about being a pessimist is that you are either always right ... or always surprised!

[Reply](#)

01-05-2009, 05:13 AM

#268

taisharmordin

L4: Apprentice

Date Joined: Sep 2007
 Posts: 317
 Reputation: 335

Quote from AnhTam

people would do that for free ice-cream?

Haha, no. I was doing my annual computer upgrade. After replacing all of those components and formatting, I figured I'd be able to go back and print all those coupons that I liked so much (ie. \$4 off purina, \$3 off purina, \$10 off glucerna, etc.) No such luck!

[Reply](#)

01-05-2009, 05:24 AM

#269

greenmeansgoooo

L6: Expert

Date Joined: Aug 2007
 Posts: 1,342
 Reputation: 502

Quote from taisharmordin

Haha, no. I was doing my annual computer upgrade. After replacing all of those components and formatting, I figured I'd be able to go back and print all those coupons that I liked so much (ie. \$4 off purina, \$3 off purina, \$10 off glucerna, etc.) No such luck!

The reason why that didn't work is your IP, HD serial numbers. MAC address, etc. stayed the same.

Dawn's Internet Printable MQ List Don't hesitate to print out that coupon now!

Thank you, for helping us, help you, help us all.

DTV happens at midnight on February 17th, 2009.
 If you currently use rabbit ears/outside antenna then you DO need a DTV converter box.

If you currently have a HDTV set and/or U-verse/cable/satellite TV programming

[Reply](#)

01-05-2009, 05:29 AM

#270

Pebbler

L2: Beginner

Newer computers have a TPM (Trusted Platform Module). This is how they know which computer is used. This is why fresh installs don't work. I don't know about older computers but I suspect if using XP and if it doesn't have a TPM then they can be circumvented.



Date Joined: Mar 2007
 Location: Tulsa
 Posts: 86
 Reputation: 21

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EXHIBIT I

TO

**DECLARATION OF STEVEN BOAL IN
OPPOSITION TO DEFENDANT'S MOTION TO
SUMMARILY ENFORCE SETTLEMENT
AGREEMENT**

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Managing Intellectual Property & IT Security
by Dan Morrill (Program Director CityU of Seattle)

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It is lawful to hack software

Dan Morrill (Program Director CityU of Seattle) posted 11/21/2008 | Comments (1)

Who knew that it was lawful to bypass restrictions on software, like Coupons Inc's software that allowed printing coupons and essentially start printing coupons off like it was money.

A recent court case makes it lawful to modify software you download and see how it behaves. The good part is that many security engineers do this on a regular basis, and we post our findings on the internet. A recent court case with Coupons Inc and John Stottlemire though could have had serious implications if John had not prevailed in court.

The problem is that John Stottlemire posted a series of instructions on how to modify a computer program that people download to print coupons. His command set on this looks like a simple clean up that anyone would do on a computer system that was not functioning normally, or that someone would do to go clean up an accumulation of stuff.

Coupons Inc got annoyed because the clean up routine allows a customer to print functioning coupons from their PC, without any limits to the number of times valid working coupons can be printed. If you wanted 100 coupons for BrandX, with John's notes, you could simply clean up the install and remove some keys from YOUR computer and carry on smartly with the print job.

By discovering a weakness in how the program worked, and the removal of some files, well that was claimed to be a DMCA violation, which then went to court. The courts found that no such DMCA violation happened. Please see correction below and while the technique is interesting, it truly amounts to nothing more than someone cleaning up files on their computer to make software work in an unexpected way. Coupons Inc has fixed their issue, and the hack no longer works. But by claiming DMCA circumnavigation, and then losing settling that case, Coupons Inc has lost what could have been an interesting court case.

If Coupons had lost had not settled (no judge ruled on this, it was an out of court settlement that the terms are confidential (Updated via phone call with person who wants to remain anonymous 11/22/2008)), then just about any software you download, and then clean up on your PC, which then allows an unexpected behavior of their code, would have been a DMCA violation. It would have made it harder to post hacks like this on the internet, in general it would also have influenced the removal or modification of spyware on someone's computer. In all it is good that John prevailed in this otherwise it could have had far reaching implications for people who are busy trying to remove, learn, or otherwise modify programs that they download.

11/22/2008 - had a phone conversation with an anonymous person who is more familiar with the case than I am on this issue, and cleared up some factual errors.

Tags: spyware, coupons inc, removal, modification, software, interesting

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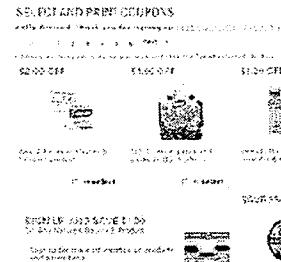
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**DECLARATION OF STEVEN BOAL IN
OPPOSITION TO DEFENDANT'S MOTION TO
SUMMARILY ENFORCE SETTLEMENT
AGREEMENT**

Coupons Inc. Settles Case Against Hacker

by Wendy Davis, Monday, November 24, 2008, 7:00 AM

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An online coupon distributor has settled a closely watched case against a programmer who told Web users how to get around code designed to limit the number of times that coupons could be printed.

The details of the settlement between the company, Coupons Inc., and the programmer, John Stottlemire, are confidential. But Stottlemire said that the lawsuit against him will be withdrawn with prejudice (meaning that it can't ever be filed again) as long as he complies with the agreement.

Coupons Inc. did not respond to a request for comment.

The Mountain View, Calif.-based Coupons Inc. provides technology that enables companies to deliver coupons directly to consumers at corporate Web sites, through banner ads and in e-mail messages. Coupons Inc. bundles its programs with software that aims to restrict users' ability to print multiple copies of the vouchers.

The dispute between the company and Stottlemire began last July, after the Fremont, Calif. resident posted instructions for expunging the code that restricted the number of copies that could be printed. He also allegedly offered downloadable software that would remove Coupons' code.

Coupons Inc. then filed suit against Stottlemire in federal district court in San Jose, for allegedly distributing tools that circumvented the company's digital rights management program.

Because the lawsuit was resolved, the court did not decide whether Stottlemire's work-around violated the Digital Millennium Copyright Act. That law prohibits trafficking in technology that circumvents software that restricts access to copyrighted material. But digital rights advocates say that the law does not ban mere discussions about the software.

Stottlemire took the position that Coupons Inc. had hidden its restrictive files on users' computers, and that he was just offering instruction on how to delete those files. "Through the use of hiding files and registry keys on a computer, in areas normally reserved for the Windows operating system ... Coupons Inc. attempts to control access to coupons it offers to the public," he wrote on his blog tenbucks.net in July of 2007. He added that no special software was needed to purge those keys. "The only tool required is the delete button on your keyboard ... and knowledge of where these unprotected files lie."

Coupons Inc. eventually changed its methods to defeat Stottlemire's work-around.

Stottlemire, who is not a lawyer, said he decided to represent himself after learning that lawyers' fees could quickly total in the six figures. "I knew I was right, and I couldn't afford an attorney," he said. "I spent many nights in front of the computer researching case law and writing briefs and rewriting briefs."

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